

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

THOMAS HEATON SPITTERS,

Plaintiff,

v.

PSYNERGY, et al.,

Defendants.

Case No. 18-cv-03639-PJH

**ORDER DENYING IFP APPLICATION
WITHOUT PREJUDICE**

Re: Dkt. Nos. 12, 13

On June 18, 2018, plaintiff Thomas Spitters made a filing that opened this civil action. Dkt. 1. On the same day, plaintiff filed an application to proceed in forma pauperis ("IFP"), which would allow him to proceed with this action without prepaying fees or costs. Dkt. 2. A plaintiff seeking to proceed in forma pauperis "must allege poverty with some particularity, definiteness and certainty." Escobedo v. Applebees, 787 F.3d 1226, 1234 (9th Cir. 2015) (internal quotation marks omitted). Plaintiff's application did not provide sufficient information to grant the application. For example, he wrote that his income and saved cash were "de minimus." Dkt. 2 at 1–2. His other descriptions were similarly vague, including that he had "some" personal property and that "[v]arious immediate and extended family, and their associated parties and individuals" depended on him for support. Dkt. 2 at 2.

On September 10, 2018 this court denied plaintiff's IFP application and adopted the Magistrate Judge's Report and Recommendation to dismiss the complaint with leave to amend. Dkt. 8. Plaintiff was given a deadline of October 5, 2018 to file an amended IFP application and complaint. Plaintiff has not filed an amended IFP application, nor has

1 he paid the filing fee. Rather, he has included in two separate filings statements
2 indicating that he would prefer not to disclose his financial condition to the court. Dkt. 12
3 at 1 ("plaintiff . . . wishes his pauperized financial condition to remain . . . confidential, and
4 secret"); Dkt. 13 at 5 ("plaintiff again states his overall desire and right to have his
5 pauperized finances remain private and confidential; and honorably and humbly demands
6 again before the court that defendants in these cases pay all court fees and costs and
7 expenditures of said cases, including court and clerk fees These demands have
8 been stated previously and repeatedly, and the court has chosen not to address them,
9 ignored them in fact.").

10 Plaintiff need not disclose his financial condition to proceed with this action.
11 Plaintiff has two options if he wishes to litigate this case. He must either (1) file a new,
12 complete IFP application disclosing all requested information (the required application is
13 attached to this order)¹; or (2) pay the entire filing fee of \$400.00 and serve the summons
14 and complaint (and any amendments and attachments), as well as scheduling orders and
15 other documents specified by the Clerk, pursuant to Rule 4 of the Federal Rules of Civil
16 Procedure. Spitters must complete one of those two options by February 15, 2019, or
17 the complaint will remain dismissed without prejudice and this action will be closed.

18 **IT IS SO ORDERED.**

19 Dated: January 9, 2019



PHYLLIS J. HAMILTON
United States District Judge

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26 ¹ The application is also available on the district's website:
27 <https://www.cand.uscourts.gov/civilforms>. The direct link to the application is
28 <https://www.cand.uscourts.gov/filelibrary/15/Application%20to%20Proceed%20In%20Forma%20Pauperisnon-prisoner.pdf> (PDF format) or
<https://www.cand.uscourts.gov/filelibrary/763/Application-to-Proceed-In-Forma-Pauperisnon-.docx> (MS Word format).